

REMARKS

This paper responds to the Advisory Action mailed September 4, 2008.

Claims 6 has been rewritten in independent form including the limitations of the base claim and intervening claims. Corresponding method claim 28 has been amended in the same way, and independent claim 41 has been amended to be directed to equivalent subject-matter.

Basis for not limiting the amended claims to analysing being undertaken at the time of installation and use only frequency channels is taken from page 4, line 10 and page 15, lines 10-14, respectively.

To reflect these aforementioned amendments, claims 1-5, 15-17, 22-27, 37 and 42 have been cancelled. Where necessary, the dependencies of the remaining claims have been renumbered accordingly.

Amended claims 6, 28 and 41 are now directed to electrical analysis of a received signal transported across an optical network to derive information concerning individual spans of the optical network. This analysis comprises analysing a cross phase modulation effect in response to first and second test signals transmitted over different channels of the optical network.

As confirmed by the examiner in the Official Action dated July 1, 2008, Franco et al. (US 6 538 788) do not disclose analysing a cross phase modulation effect. None of the remaining cited prior art references disclose or suggest the analysing a cross phase modulation effect as recited in new claim 6. Indeed, the examiner has confirmed that claim 6 would be allowable if re-written in independent form. New claim 6 is therefore submitted to be allowable.

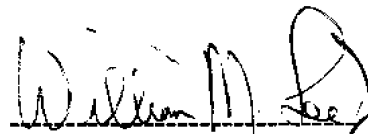
Since the features of amended claims 28 and 41 correspond to those of amended and allowable independent claim 6, they are also submitted to be allowable for the same reason.

The rejections raised against the remaining dependent claims are now moot. Although no discussion of any remaining rejections raised against the dependent claims is given, it should not be taken the rejections raised are accepted.

It is submitted that this application is now in condition for allowance. Such action is respectfully solicited.

October 1, 2008

Respectfully submitted

A handwritten signature in black ink, appearing to read "William M. Lee, Jr.", written over a horizontal dashed line.

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